

REMARKS

The Final Office Action mailed October 5, 2004 has been received and carefully noted.

The following remarks are submitted as a full and complete response thereto.

No extension of time is believed to be required based upon the filing of this Amendment prior to the deadline of the three-month statutory period (i.e., January 5, 2005). Authorization is granted to charge counsel's Deposit Account No. 01-2300, referencing Attorney Docket No. 108426-00042, for any additional fees necessary for entry of this Amendment.

In the Office Action, the Examiner indicated that claims 1, 2, 4, 5, 11, 12, 14, 15, 23, 24, 26 and 27 were allowable, claims 6-8, 16 and 28 were rejected and claims 9-10 were objected to. Claims 6, 16 and 28 have been amended and claim 9 has been cancelled. Applicants submit that the amendments made herein are fully supported in the Specification and the drawings, as originally filed, and therefore no new matter has been introduced. Accordingly, claims 1-2, 4-8, 10-12, 14-16, 23-24 and 26-28 are pending in the present application and are respectfully submitted for reconsideration.

Claims 6-8, 16 and 28 were finally rejected under 35 U.S.C. § 103(a) as being unpatentable over the Cook et al. patent (U.S. Patent No. 6,343,505) in view of the Mustandrea patent (U.S. Patent No. 4,852,054). Dependent claims 7-8 depend from independent claim 6. Claims 6, 16 and 28 have been amended. The rejections are respectfully traversed and reconsideration is requested.

In the Office Action, the Examiner has indicated that dependent claims 9-10, objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Independent

claim 6 has accordingly been amended to include the content of dependent claim 9 and claim 9 has been canceled. It is therefore submitted that independent claim 6 is therefore patentable and in condition for allowance. Dependent claims 7-8 and 10 depend from independent claim 6 and thus are limited to additional features of the invention. Therefore, it is respectfully submitted that the dependent claims are also patentable and are in condition for allowance.

Reconsideration is respectfully requested.

Independent claim 28, as amended, recites an apparatus substantially similar to the apparatus of claim 6. Independent claim 16, as amended, recites a method in accordance with the apparatuses of independent claims 6 and 28. It is respectfully submitted that neither the Cook et al. patent nor the Mastandrea patent, alone or in alleged combination, discloses or suggests the method or apparatuses for determining leakage in evaporated fuel processing systems, as claimed in the present invention.

Specifically, the Cook et al. patent discloses a sensor 74, 282 for detecting changes in vapor pressure measurement over time for determining a level of leakage based on predetermined thresholds, but there does not appear to be disclosed a method or means for correcting such measurement according to atmospheric pressure. Further, while the Mastandrea patent appears to disclose a pressure transducer 66 for atmospheric pressure measurement, there does not appear to be disclosed a control unit configured to retrieve a coefficient corresponding to the atmospheric pressure from a table in which the coefficient corresponding to the atmospheric pressure is defined and to correct the detected pressure of the evaporated fuel processing system with the retrieved coefficient, as claimed in the present invention.

Accordingly, it is submitted that the Cook et al. patent and the Mastandrea patent fail to disclose or suggest the apparatus or method, as claimed.

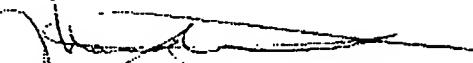
Since neither the Cook et al. patent nor the Mastandrea patent discloses or suggests the present invention as claimed, it is submitted that the alleged combination of these references also does not disclose or suggest the claimed invention. Rather, even if the references were combinable, as suggested, such alleged combination would not disclose an apparatus or method comprising the control unit of the present invention. It is therefore submitted that these references, either alone or in alleged combination, fail to disclose or suggest the apparatus and method for determining leakage in an evaporated fuel processing system of the present invention. Based upon the forgoing, it is respectfully submitted that independent claims 16 and 28, as amended, are patentable and in condition for allowance. Reconsideration is respectfully requested.

Entry of this Amendment after final rejection is therefore submitted as proper in that it places the application in condition for allowance. Particularly, the present Amendment is submitted as not raising new issues or requiring further consideration or searching. Undersigned counsel will be telephoning the Examiner in two weeks to discuss further this Amendment and to arrange for an interview, if necessary, to assist in expediting prosecution of this application. If, in the meantime, the Examiner finds it helpful to contact the undersigned counsel prior to this

two week period, the undersigned counsel encourages the Examiner to telephone her at the Examiner's convenience.

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Respectfully submitted,



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